

Office of the Attorney General
State of LOUISIANA

Opinion No. 80-990
October 27, 1980

MUNICIPAL FIRE & POLICE CIVIL SERVICE--71-1-1 LA. R.S. 33:2473
Discussion of particular individual's seniority.

Mr. Maxie E. Cox
State Examiner
Suite 300
Parkview Office Building
4664 Jamestown Avenue
Baton Rouge, LOUISIANA 70808

Dear Mr. Cox:

You have requested our opinion regarding an employee of the Baton Rouge Fire Department who was previously employed by the Banks Fire Protection District. While Baton Rouge Fire Department employees are classified under Municipal Fire and Police Civil Service (LA. R.S. 33:2471 et seq.), employees of the Banks District are included in the Baton Rouge City-Parish Personnel System.

As you stated in your letter, the City of Baton Rouge recently assumed fire protection service of an area which heretofore had been served by the Banks District. Upon assuming service to the district, any employee of the Banks District who was at that time working as a regular employee was 'blanketed in' or allocated under Municipal Fire and Police Civil Service, and was also given seniority credit retroactive to the time he became a regular and permanent employee under the City-Parish System.

Prior to the time that fire protection service of the Banks District was assumed by the City, the employee about whom you inquire had resigned from the Banks District to accept employment with the Baton Rouge Fire Department. This employee now requests that he be given seniority credit back to the time he was made a regular and permanent employee under the City--Parish System even though he was not employed by the district at the time it was assumed by the City and the District employees were 'blanketed in.'

The term 'seniority' is defined for purposes of the Baton Rouge Municipal Fire and Police Civil Service by LA. 33:2473 as

' . . . the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation.

. . . Total seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee; but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority.'

(LA. R.S. 33:2473(20), emphasis added.)

Based upon the above quoted statutory language, it is the opinion of this office that the employee's request should be denied; the employee's seniority should be computed as beginning on the date he became regularly and permanently appointed and employed by the Baton Rouge Fire Department and should not include any time during which he was employed with the Banks District.

I hope this information will be of assistance to you. Should any further clarification be needed, please call me.

Sincerely yours,

William J. Guste, Jr.
Attorney General

By: William C. Toadvin
Staff Attorney

La. Atty. Gen. Op. No. 80-990, 1980 WL 116367 (La.A.G.)
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